

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

KENNETH TUROCZI and)
TYRENE TUROCZI,)
)
Plaintiffs,)
)
v.) Case No. CIV-23-00095-JD
)
TRAVELERS COMMERCIAL)
INSURANCE COMPANY,)
)
Defendant.)

ORDER

Before the Court is Plaintiffs' Former Counsel's Response to the Court's Order filed by Attorney Gary Gardenhire [Doc. No. 32]. On June 7, 2023, the Court granted Mr. Gardenhire's Motion to Withdraw Representation [Doc. No. 29] and permitted him to withdraw as counsel of record for Plaintiffs Kenneth Turoczi and Tyrene Turoczi, subject to the conditions that he was to continue to accept service of subsequent papers and forward such papers to Plaintiffs until they enter appearances or have new counsel enter appearances on their behalf. [Doc. No. 31].

Mr. Gardenhire explains that he has or has attempted to forward or return case-related documents to Plaintiffs. It appears from the filing that the relationship between Mr. Gardenhire and Plaintiffs is less than cordial.¹ Upon consideration, the Court finds

¹ Both Mr. Gardenhire and Plaintiff Tyrene Turoczi have also contacted or attempted to contact the undersigned's courtroom deputy to discuss matters related to the termination of Mr. Gardenhire's representation of Plaintiffs in this case. Based on some of the communications, it is clear Plaintiff Tyrene Turoczi is aware of the Court's Order

that it would be in Mr. Gardenhire's and Plaintiffs' best interests to terminate the conditions imposed on Mr. Gardenhire in the Court's Order granting leave to withdraw. Mr. Gardenhire is no longer required to continue to accept service of subsequent papers and forward them to Plaintiffs.²

The other requirements and deadline set forth in the Court's Order [Doc. No. 31] remain. Plaintiffs shall retain new counsel and new counsel shall enter an appearance by **June 28, 2023**, or, alternatively, Plaintiffs shall each enter appearances pro se by **June 28, 2023**. Failure to do so may result in dismissal of this action without prejudice.

Any request by Plaintiffs for relief from the Court of these deadlines or any other request for a Court order must be presented by a written motion in advance of the deadline of **June 28, 2023**. *See* Fed. R. Civ. P. 7(b). Parties cannot make oral requests to the Court per the Federal Rules of Civil Procedure, which parties are bound to follow whether represented by legal counsel or not. *See* [Doc. No. 31] at 2 n.1.

IT IS SO ORDERED this 22nd day of June 2023.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE

granting Mr. Gardenhire leave to withdraw [Doc. No. 31] and the requirements set forth therein.

² The Court will forward any filing, including this Order, the prior Order [Doc. No. 31], and a copy of the docket, to Plaintiffs via postal mail and e-mail.